

Record of Examiner Interview

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).

Dated: October 9, 2009

Signature:

Donna Forbit
(Donna Forbit)

Docket No.: 66729/P028US/10613659
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Roy Schoenberg

Application No.: 10/825,352

Confirmation No.: 8650

Filed: April 15, 2004

Art Unit: 3686

For: RULE MANAGEMENT METHOD AND
SYSTEM

Examiner: V. D. Koppikar

RECORD OF EXAMINER INTERVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully submits this record of Examiner interviews.

In response to the Advisory Action dated April 30, 2009, Applicant's representative, Jody Bishop, called the Examiner and the Examiner's supervisor and argued that the Advisory Action was in clear error at least because there was absolutely no basis for maintaining the §103 rejections that were based on the *Schoenberg* reference because that reference could not be used in a §103 rejection in accordance with §103(c). The Examiner's supervisor agreed with Applicant's representative, and the Advisory Action was withdrawn.

The Examiner then mailed a second Final Office Action, dated May 15, 2009, which maintained the same rejections as in the first Final Office Action but which replaced the *Schoenberg* reference with a new reference, *Pawlakowski*. A telephonic interview was then conducted on May 29, 2009 between the Examiner, V. D. Koppikar, and Applicant's representative, Jody Bishop. During the interview, Applicant's representative discussed independent claim 12 and the newly-applied *Pawlakowski* reference. Applicant's representative

argued that *Pawlakowski* fails to teach or suggest any access key that controls access to patient-specific information, such as a medical record, as recited by claim 12, but instead *Pawlakowski* discloses an access key that controls access for upgrading operational routines of a medical device.

While no agreement was reached during that interview, yet a third Final Office Action was mailed by the Examiner, dated June 11, 2009, which withdrew the reliance on *Pawlakowski* and instead replaced the *Pawlakowski* reference with yet a new reference, *Claud*. Applicant has appealed to the USPTO Board the rejections raised in this third Final Office Action.

Applicant believes no fee is due with this response. However, if any additional fee is due, please charge our Deposit Account No. 50-3948, under Order No. 66729/P028US/10613659 from which the undersigned is authorized to draw.

Dated: October 9, 2009

Respectfully submitted,

By

Jody C. Bjshop

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